

supports the old law—was given was that either the old law is going to expire and there is not going to be any law that governs the collection of these business records—nothing—or go with the reform. The so-called reform was that you had to go to the FISA Court to get an order as to a specific number and a specific reason why that number was something that you wanted. That sounds harmless enough, except when you are dealing in some cases with seconds, minutes, a few hours; you might be looking for this person about whom we suddenly got a tip—maybe from a human source—that they are about to try to do us damage. So how long is it going to take to go into court? Is it going to take months? Is it going to take weeks? Days? All the time, the potential terrorist is well ahead of us. I know our intelligence agencies are trying to be prepared so they can do it in the shortest possible time, but a judge has to be there to hear the facts and the probable cause in order to then render an order to allow the intelligence agencies—domestically, it would be the FBI—to go get those business records.

If they get the business record and see that it goes one hop to another number, but maybe that goes another hop to another number and that goes another hop to several other numbers, under the so-called reform of the USA FREEDOM Act, there is a limitation on the number of hops. This Senator feels we shouldn't limit those hops if we are trying to find out who the bad guy is and what he is about to do.

Once we had that determined, then we go to the court again. If it is an American citizen or a person who is legally in the United States, they have to obtain another court order in order to be able to get the content—either listening to those calls or in the case of email records, the content of the email.

We always said there ought to be this continuous tension between our right to privacy, protecting our country, and ourselves. We want that tension to be there because our right to privacy is what makes us different in this country. Therefore, that is why we have the protections of having to go into court in order to get an order to get the content of the communications.

All you have to do is look to Paris and you can see that these guys are out to really do some mayhem. If in any way we are slowed down, then I think it is a considerable hindrance to us. I bring this to the attention of the Senate simply because the new act superseded the old act this past weekend. Naturally, when these records were spread about publicly 2 years ago by Edward Snowden, intentionally, recklessly, and I might say illegally, there was a fear. It made it seem like Big Brother was gathering up all of our information. That is why in the initial PATRIOT Act we were so careful to keep this right of privacy protected by court order for the business records

and then of course for content by a court order.

I believe that program was lawful, I believe it was court-approved, and I believe it has helped protect us from terrorist attacks in the past. I think the confusion in the land is because of what the bulk record was. It wasn't content. It was business record—the dates, times, length, and the numbers dialed but not their content.

We have this new law. It is in place. The National Intelligence Director, Jim Clapper, and the NSA Director, ADM Mike Rogers, assured us that the new law preserved a critical counterterrorism capability, but these Paris attacks remind us how brutal ISIS really is and that the terrorist threat persists.

As we look at who the terrorists in Paris were, there were four of them whom we knew of, whom we had on our no-fly list, and who were citizens of European countries. What does that mean? That means they didn't have to go into the Embassy to get a visa so their background could be checked. They are one of the visa waiver countries. But there was another one of their citizens who was one of those terrorists who was not on our no-fly list. I think the fact that the administration has already started clamping down, doing the extra checks, we certainly want to keep the Visa Waiver Program going, but it is a considerable potential threat if we are not checking and rechecking. I think from what we learned out of Paris, if the European countries will be more forthcoming to share their intelligence information with us about the potential terrorists, that will build our no-fly list for their citizens and that will be very helpful.

We ought to permanently extend section 702 of the FISA Amendments Act, which is going to expire in another 2 years. This crucial tool provides access to electronic communications of suspected terrorists and other foreign persons located outside of the United States. As we redouble our counterterrorism efforts, we must maintain what works and make the necessary changes as the threat evolves. That means remaining vigilant and using all the tools in our toolbox—including intelligence collection, Homeland Security protections, and the fight against ISIS on the battlefield.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

#### HOLDS ON AMBASSADORIAL NOMINATIONS

Mr. COTTON. Madam President, in September, we learned shocking news that the U.S. Secret Service—armed agents of the Executive—violated the law to intimidate a congressman from doing his constitutional duty. Forty-five Secret Service employees accessed the personal records of Congressman JASON CHAFFETZ in violation of the Privacy Act. They shared with hun-

dreds of personnel the fact that Congressman CHAFFETZ had unsuccessfully applied to join the Service, leading to a leak of the information to the news media.

This activity was not limited to low-level employees. The Service's Assistant Director and head of training, Ed Lowery, encouraged the sharing of information, writing in an email:

Some information that he might find embarrassing needs to get out. Just to be fair.

The Director of the Service, Joe Clancy, failed to act to rein in the behavior when the information was raised to him. He had no reaction when he heard what he deemed to be a speculative rumor about the information. He apparently forgot that he had been informed of Congressman CHAFFETZ's personal records, incorrectly telling the Homeland Security Department's inspector general that he didn't learn of the matter until it was about to be published in the Washington Post.

The White House's reaction to this criminal violation was equally muted. The White House implied that an apology to Congressman CHAFFETZ would suffice in the absence of formal discipline and a criminal investigation. This was unacceptable. To ensure that proper remedial action took place, I placed a hold on three ambassadorial nominees to send a clear message to the White House.

I intended to lift these holds once two actions took place: First, I asked that the Department of Homeland Security take appropriate disciplinary action against all Secret Service personnel involved, including Secret Service leadership; second, I requested that a criminal investigation be initiated by the Department of Justice into violations of the Privacy Act.

Since I placed the holds, the White House reached out to my office and made clear that the President understood the gravity of the violations that occurred. In the past month, the Obama administration has finally begun to take action. The Department of Homeland Security issued disciplinary proposals for the suspension of 42 lower level personnel involved in the misconduct. For senior-level personnel—including Assistant Director Lowery—discipline proposals are being prepared, with the maximum penalty ranging up to the removal from their positions.

This discipline may or may not be proper in each case, but my intent isn't to be an HR officer for the Department of Homeland Security. Instead, when I instituted the holds on the three ambassadorial nominees, I made it clear my aim was not to keep these nominees in limbo indefinitely. My sole aim was to force action from the Obama administration, which too often ignores this separation of powers and proper enforcement of our laws.

Because the Obama administration has taken partial steps to hold those who violated the law to account, I will in turn honor my word and lift two of

the three holds I have on ambassadorial nominations: Mr. Samuel Heins, who is nominated to be the U.S. Ambassador to Norway, and Ms. Azita Raji, who is nominated to be the U.S. Ambassador to Sweden. I believe both are qualified to represent our Nation abroad, and we have significant interests in Scandinavia. My hope is that both nominees receive a vote and are confirmed in the Senate sooner rather than later.

I will retain, however, the hold on President Obama's Ambassador to the Bahamas. This is because the Department of Justice has yet to initiate an investigation into the unauthorized access and dissemination of Congressman CHAFFETZ's personal records.

The DHS inspector general has testified to Congress that he believes criminal violations of the Privacy Act occurred. Secret Service Director Clancy, in his own testimony to Congress, agreed with the inspector general, acknowledging that the violations constituted, in his words, "a criminal offense." With such agreement between the Department of Homeland Security IG and the Secret Service Director, I retain the hope and fully expect that a criminal investigation of these offenses by the Department of Justice will be forthcoming.

That investigation and the discipline currently being meted out by the Department of Homeland Security are important to send the message that politically motivated crimes will not be tolerated. Consequences are needed to make clear that the separation of powers will be respected and that Members of Congress acting on behalf of the people will not be intimidated.

I also reserve the right to place new holds on future administration nominees. What we cannot have is impunity for criminal offenses. If the discipline for the Secret Service leadership is too weak or if a criminal investigation is not initiated, I may place additional holds in order to again remind the White House of the seriousness of this matter, but in the meantime I look forward to continuing to work with the administration to ensure that discipline is appropriate and a criminal investigation on this matter is initiated.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GUN VIOLENCE

Mr. DURBIN. Madam President, having just finished the Thanksgiving holiday season, many of us had a chance

to be with our families and give thanks for all of the great goodness we have had showered on us as individuals and those lucky enough to live in this great Nation, but for many families this was a painful holiday weekend. It is sobering to realize how many American families have their lives impacted by gun violence in America every single day. Sadly, the past holiday weekend was no exception.

In my home State of Illinois, in the city of Chicago, gun violence has taken a devastating toll. There have been 436 homicides in Chicago this year—most of them by gunfire. In Chicago, the news this morning was that 8 people were killed and at least 20 others were wounded in shootings over the holiday weekend. Today the University of Chicago has closed its campus in Hyde Park because of a shooting threat that was made against the campus community. Classes and activities are canceled. Extra security has been provided. At a high school in Barrington, IL, in the suburbs of Chicago, students saw a lockdown after a student came to school with a gun and was arrested.

The fact is, there is too much gun violence in America. All across the country we have seen such terrible stories.

On Friday, in Biloxi, MS, a patron at a Waffle House restaurant shot and killed Julia Brightwell, a waitress, after she asked him not to smoke in the restaurant.

In Atlanta, on Saturday, 6-year-old Ja'Mecca Smith found a loaded handgun in the cushions of a sofa and fatally shot herself—6 years old.

In Rome, NY, a 7-month-old infant was shot and killed on Saturday when a nearby 18-year-old was cleaning and loading a shotgun that was discharged.

In Colorado Springs, CO, a gunman burst into a Planned Parenthood building and killed three people, including police officer Garrett Swasey, and wounded nine others. The Governor of Colorado called this domestic terrorism, and I agree.

An average of 297 Americans are shot every day, 89 of them fatally. They are shot in homicides, assaults, suicides, accidental shootings, mass shootings, and even domestic terrorism attacks like the one we just witnessed at the Planned Parenthood clinic in Colorado Springs. By one count, there have been at least 351 mass shootings in America so far this year—that is more than one every single day—and there have been more than 50 shootings in American schools so far this year. There are some people who think that the Founding Fathers, when they envisioned the future of America, envisioned an armed America with absolute, inviolate gun rights. I don't believe it. I don't believe for a minute they had any vision of this level of wanton violence which is taking place.

Several weeks ago, I joined with my Senate Democratic colleagues. We went to the steps of the Capitol and called on the Republican majority in the Senate to do something. We urged

Republicans to consider calling on the floor of the Senate—in light of all of this gun violence—commonsense reforms that would keep guns out of the hands of dangerous people.

Whether or not you own a gun, whether or not you hunt, whatever your view is of the Constitution, can't we all basically agree that people who have been convicted of a felony and those who are mentally unstable should not be allowed to buy a gun? That, to me, is just common sense. There are many people in my own family who are sportsmen and hunters and enjoy the firearms they bought as kids and went hunting with their dads and really appreciate it. It is part of the Midwestern culture. I have yet to meet a single person who owns a gun and uses it responsibly who doesn't agree with the statement that we should keep guns out of the hands of convicted felons and also out of the hands of those who are mentally unstable.

It is also hard to imagine why there is opposition to this issue. Did you know that even if you are on the government's terrorist watch list—a person who is suspected of terrorism—you can legally buy a gun in America? I am not talking about gun show loopholes, where there are no questions asked; I am talking about the law in America which allows suspected terrorists to buy firearms. In light of what happened in Paris, France, does it make sense that someone on the terrorist watch list can buy an assault weapon? God only knows where they would take it or what they would do with it and ultimately how many innocent people would be killed. We can't even have a conversation about that on the floor of the U.S. Senate. No way. The National Rifle Association would not approve. The gun lobby does not want us discussing these issues. We are talking about a Second Amendment absolute, inviolate right, in their eyes, and I think we are talking about something that is impossible to explain and defend, from my point of view.

I will stand up for Second Amendment rights—the rights of people to own and use guns responsibly and store them safely away from children. I will stand up for their rights, but we also have to come together and acknowledge that those who would misuse firearms because they have a criminal intent, with a criminal record, are mentally unstable, or are on a suspected terrorist watch list—for goodness' sake, we ought to be able to draw that line in the United States of America.

#### SYRIAN REFUGEES

Mr. DURBIN. Madam President, it was just a few weeks ago that—I guess 10 days ago, actually—the Republican Presidential candidates went to the Presiding Officer's State to meet with religious leaders, Christian leaders, and were seeking their support. Of course they all want the support of everyone living in Iowa because the Iowa